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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/523,653

Applicant(s)

HOOGLAND, HENDRICUS
ANTONIUS

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as claimed. The specification as filed does not provide support for "at least a first and a second cover part" as in claim 1, because the specification only discloses a first and a second cover part. The specification as filed also does not provide support for "... a fourth projection ... projects under an underside of an information carrier ..." in claim 7.

3. Claims 1-20 are rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 10-11, "the locking means" should be replaced with --the second locking means--. In claim 4, the phrase "the or a second projection" is indefinite because it has no clear meaning. In claim 7, the phrase "a fourth projection" is indefinite because where is a third projection (between claims 1 and 7)? In claim 14, the phrase "the fist" is incomplete and indefinite. Regarding claims 1 and 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In claim 14, line 7, "a first" should be replaced with --the first--.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "... a fourth projection ... projects under an underside of an information carrier ..." in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 8, 9, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Flores, Jr. et al. (6,4554,090; hereinafter Flores'090). Flores'090 discloses a device (100) for holding an information carrier comprising a first and a second cover part (102, 104) connected by pivot means (106-110) and the first cover part having receiving means (128, 140, 141, 160, 161) arranged for receiving the information carrier in a position in which it extends approximately parallel to a closing surface of the cover part. The receiving means comprise first

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locking means (118, 120, 128) connected to the closing surface in a substantially positionally fixed manner and extended along at least an outer contour of the information carrier received in the receiving means and second locking means comprise at least one resilient projection (140, 141, 160, 161) extended at least partly against and over the outer contour of the information carrier and together with the first locking means that lock the information carrier in the receiving means (Figures 6-11).

As to claim 13, Flores'090 further discloses a first closing surface (118) and a second closing surface (120).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-6, 10-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores, Jr. et al. (6,4554,090; hereinafter Flores'090) in view of Mou et al. (6,398,022; hereinafter Mou'022). Flores'090 discloses the device (100) for holding the information carrier as above having all the limitations of the claims includes a third locking means (148) and a fourth locking means (150). However, Flores'090 fails to show the third locking means being abutted against an upper side of the information carrier to further lock the information carrier in the receiving means. Mou'022 teaches a device (10) for holding an information carrier comprising a first and a second cover part (12, 14) and a receiving means including a first locking means (47-51), a

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second locking means (26-32), a third locking means (62) and a fourth locking means 58). The third locking means and the fourth locking means abut against an upper side of an information carrier when the device closed (Figures 1-14). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Mou'022 to modify the third locking means of Flores'090 so the third locking means abut against the upper side of the information carrier when the device is closed for further securing the information carrier within the device.

As to claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover parts of Flores'090 so the closing surface comprises a wall thickness as claimed since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flores, Jr. et al. (6,455,090; hereinafter Flores'090) in view of Iandoli et al. (6,805,238; hereinafter Iandoli'238). Flores'090 discloses the device (100) for holding the information carrier as above having all the limitations of the claim except for a projection being projected under an underside of an information carrier when the device is closed. Iandoli'238 teaches a device comprising a projection (50, 60) projected under an underside of an information carrier when the device is closed (Figure 2). It would have been obvious to one having ordinary skill in the art in view of Iandoli'238 to modify the device of Flores'090 so the back part includes a projection which

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projects under an underside of the information carrier when the device is closed to facilitate removing the information carrier from the device.

12. Claims 14-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores, Jr. et al. (6,455,090; hereinafter Flores'090) in view of Biebel et al. (5,429,240; hereinafter Biebel'240). Flores'090 discloses the device (100) for holding the information carrier as above having all the limitations of the claim except for the first or second locking means being at least partly provided on an edge part of the first cover part and connected so as to be pivotal or bendable relative to a further first cover part.

Biebel'240 shows a device (10) comprising a receiving means including first or second locking means (50, 52 or a recess 22) at least partly provided on an edge part of a first cover part (20, 68) which is connected so as to be pivotal or bendable relative to the further first cover part and the further first cover part also having at least a part of the first or second locking means (50, 52 or a recess 22) and the information carrier received in the receiving means is released by pulling away at least the first or second locking means. It would have been obvious to one having ordinary skill in the art in view of Biebel'240 to modify the device of Flores'090 so the first or second locking means comprise at least partly provided on an edge part of the first cover part and connected so as to be pivotal or bendable relative to a further first cover part and the further first cover part also comprises at least a part of the first or second locking means for better protecting the information carrier when the device is opened.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
March 28, 2007



Luan K. Bui
Primary Examiner
Art Unit 3728